

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS CABAN,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

19-CV-10509 (GHW)

16-CR-0656 (GHW)


ORDER

GREGORY H. WOODS, United States District Judge:

On November 12, 2019, the Court construed Movant Luis Caban's "Motion under § 1651, All Writs Act" as a motion under 28 U.S.C. § 2255, and directed the Clerk of Court to open a new civil action for the motion. The Court now informs Caban that if does not want to pursue relief under § 2255, he may notify the Court in writing within sixty days that he wishes to withdraw the application. *See Castro v. United States*, 540 U.S. 375, 383 (2003); *Adams v. United States*, 155 F.3d 582, 584 (2d Cir. 1998) (per curiam). Caban will have one opportunity within the limitations period for a full adjudication of his claims. If Caban does not inform the Court of his intent within sixty days, the application will remain designated as a motion under 28 U.S.C. § 2255.

SO ORDERED.

Dated: November 15, 2019
New York, New York


GREGORY H. WOODS
United States District Judge